

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KEITH BOHR, et al.,)	Case No. SACV 11-369 JST (MLGx)
)	
Plaintiff/s,)	
)	ORDER SETTING SCHEDULING
v.)	CONFERENCE FOR
)	
WELLS FARGO HOME)	
MORTGAGE, etc., et al.,)	<u>MAY 23, 2011</u>
)	1:30 P.M., COURTROOM 10-A
)	
Defendant/s.)	
_____)	

**READ THIS ORDER CAREFULLY. IT DIFFERS IN SOME RESPECTS FROM THE
LOCAL RULES.**

This case has been assigned to Judge Josephine Staton Tucker. If plaintiff has not already served the complaint (or any amendment thereto) on **all** defendants, plaintiff shall promptly do so and shall file proofs of service within three (3) days thereafter. Defendants also shall timely serve and file their responsive pleadings and file proofs of service within three days thereafter.

This case is set for a scheduling conference under Fed. R. Civ. P. 16(b) on the date and time stated in the caption of this Order, in Courtroom 10-A of the Ronald Reagan Federal Building and United States Courthouse, 411 West Fourth Street, Santa

1 Ana, California. Unless excused for good cause shown in advance of the scheduling
 2 conference, **lead counsel** shall appear at the scheduling conference and at all pretrial hearings
 3 fully informed concerning the facts of the case.

4 Attached to this Order, as Exhibit A, are the Court's presumptive dates. Parties wishing
 5 to deviate from this schedule shall provide the Court with reasons for each
 6 suggested change. In addition, the parties may submit to the Court a specific cut-off date
 7 for expert disclosures and discovery, with an explanation as to why such dates may be
 8 necessary.

9 **1. Joint Rule 26(f) Report and ADR-01 Form**

10 As provided in Fed. R. Civ. P. 26(f), the parties shall meet at least 21 days before
 11 the scheduling conference and file a Joint 26(f) Report ("Report") **no later than 14**
 12 **days before the date set for the scheduling conference.** Along with the Report, the
 13 parties shall also file a completed ADR-01 "Settlement Procedure Selection" Form **and**
 14 Order. (See subsection k below.) The Report shall be drafted by plaintiff (unless the
 15 parties agree otherwise), but shall be submitted and signed jointly. "Jointly"
 16 contemplates a single report, regardless of how many separately-represented parties
 17 there are. The Report shall separately address all matters described below, which
 18 include those required to be discussed by Fed. R. Civ. P. 26(f) and [Local Rule 26](#):

- 19 a. Statement of the case: a short synopsis (not to exceed two pages) of the
 20 main claims, counterclaims, and affirmative defenses.
- 21 b. Legal issues: a brief description of the key legal issues, including any
 22 unusual substantive, procedural, or evidentiary issues.
- 23 c. Damages: the realistic range of provable damages.
- 24 d. Insurance: whether there is insurance coverage, the extent of coverage,
 25 and whether there is a reservation of rights.
- 26 e. Motions: a statement of the likelihood of motions seeking to add other
 27 parties or claims, file amended pleadings, transfer venue, etc.

- 1 f. Manual for Complex Litigation: whether all or part of the procedures of
2 the Manual for Complex Litigation should be utilized.
- 3 g. Status of Discovery: a discussion of the present state of discovery,
4 including a summary of completed discovery.
- 5 h. Discovery Plan: a detailed discovery plan, as contemplated by Fed. R.
6 Civ. P. 26(f)(3), including a discussion of the proposed dates for expert
7 witness disclosures under Fed. R. Civ. P. 26(a)(2)(see [Local Rule 26-1\(f\)](#)).
8 A statement that discovery will be conducted as to all claims and
9 defenses, or other vague description, is not acceptable.
- 10 i. Discovery cut-off: a proposed discovery cut-off date. This means the
11 final day for completion of discovery.
- 12 j. Dispositive motions: a description of the issues or claims that any party
13 believes may be determined by motion for summary judgment or motion
14 *in limine*.
- 15 k. Settlement: a statement of what settlement discussions or written
16 communications have occurred (excluding any statement of the terms
17 discussed) and a statement pursuant to [Local Rule 16-15.4](#) selecting a
18 settlement mechanism under that Rule. Note, however, that the parties
19 may not choose a settlement conference before the magistrate judge.
20 Along with the Report, parties shall submit a completed ADR-01
21 "Settlement Procedure Selection" Form **and** Order that designate selection
22 of either Settlement Procedure 2 or 3. A copy of the ADR-01 Form and
23 Order can be found in the "Forms" section of the Central District of
24 California's official website (<http://www.cacd.uscourts.gov>). No case will
25 proceed to trial unless all parties, including the principals of all corporate
26 parties, have appeared personally at a settlement conference.
- 27 l. Trial estimate: a realistic estimate of the time required for trial and
28 whether trial will be by jury or by court. Each side should specify (by

number, not by name) how many witnesses it contemplates calling. If the time estimate for trial given in the Report exceeds four court days, counsel shall be prepared to discuss in detail the estimate.

m. Trial counsel: the name(s) of the attorney(s) who will try the case.

n. Independent Expert or Master: whether this is a case in which the Court should consider appointing a master pursuant to Fed. R. Civ. P. 53 or an independent scientific expert. (The appointment of a master may be especially appropriate if there are likely to be substantial discovery disputes, numerous claims to be construed in connection with a summary judgment motion, a lengthy Daubert hearing, a resolution of a difficult computation of damages, etc.)

o. Other issues: a statement of any other issues affecting the status or management of the case (*e.g.*, unusually complicated technical or technological issues, disputes over protective orders, extraordinarily voluminous document production, non-English speaking witnesses, discovery in foreign jurisdictions, etc.) and any proposals concerning severance, bifurcation, or other ordering of proof.

The Report should set forth the above-described information under section headings corresponding to those in this Order.

2. Notice to be Provided by Counsel

Plaintiff's counsel or, if plaintiff is appearing *pro se*, defendant's counsel, shall provide this Order to any parties who first appear after the date of this Order and to parties who are known to exist but have not yet entered appearances.

3. Disclosures to Clients

Counsel are ordered to deliver to their respective clients a copy of this Order and of the Court's trial order, which will contain the schedule that the Court sets at the scheduling conference.

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1 The Court thanks the parties and their counsel for their anticipated cooperation in
2 complying with these requirements.

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4 IT IS SO ORDERED.

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6 Dated: March 22, 2011

7 **JOSEPHINE STATON TUCKER**
8 JOSEPHINE STATON TUCKER
9 United States District Judge
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PROPOSED SCHEDULE OF PRETRIAL AND TRIAL DATES

CASE NAME:

CASE NO:

Matter	Weeks Before Trial	Plaintiff(s) Request	Defendant(s) Request
Last Day for Hearing on Motion to Add Parties and Amend Pleadings (Monday at 10:00 a.m.)	Scheduling Conference + 90 Days		
Discovery Cut-Off	15		
Last Day to Conduct Settlement Proceedings	10		
Last Day for Law and Motion Hearings (Monday at 10:00 a.m.)	8		
Final Pre-Trial Conference (Monday at 11:00 a.m.)	2		
Last Day for Filing Proposed Finding of Facts and Conclusions of Law (if court trial)	1		
Exhibit Conference (Friday at 1:30 p.m.)	Friday before trial		
Trial: Jury or Court (Tuesday at 9:00 a.m.)			